REMARKS

Claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, 29-30, 32-33, 35-36 and 38-46 are pending in the application. Claims 11 and 21 have been amended, no new matter has been added.

Claim Rejections – 35 USC § 103

The Patent Office rejected claims 1-46 under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al., U.S. Patent No. 6,288,716, (hereinafter Humpleman) in view of Jones et al., U.S. Patent No. 6,304,523 (hereinafter Jones).

Applicant respectfully traverses the rejection. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Independent claims 1, 11 and 21 include elements that have not been disclosed, taught, or suggested by the combination of Humpleman and Jones.

For example, claims 1, 11 and 21 recite analyzing an audiovisual media delivered by said first device and automatically creating a media sub-channel to the device channel in a format acceptable to a user, the media sub-channel comprising information associated with said audiovisual media and content retrieved from said worldwide network relating to said audiovisual media. Emphasis added. The Patent Office points to frames 706 and 708 of FIG. 11 of Humpleman for support of its assertion that Humpleman teaches a media sub-channel to the device channel in a format acceptable to a user, the media sub-channel comprising information associated with said audiovisual media and content retrieved from said worldwide network relating to said audiovisual media. However, the assertion of the Patent Office is improper. FIG. 11 lists devices of a home network and merely mentions "Ben Hur", a title of an audiovisual media being delivered by a DVD player. The display of a title of a DVD being delivered by the DVD player is not equivalent to a media sub-channel. Additionally, the display of a title is not equivalent to information associated with said audiovisual media. Therefore, elements of

claims 1, 11 and 21 have not been disclosed, taught or suggested by Humpleman or Jones, singularly or in combination.

Furthermore, claim 11 recites a media sub-channel including additional sub-channels, each of said additional sub-channels containing information related to said media sub-channel. Claim 21 recites a media sub-channel including links to web sites which relate to the audiovisual media. Humpleman fails to disclose a media sub-channel including additional sub-channels, each of said additional sub-channels containing information related to said media sub-channel. Humpleman also fails to a media sub-channel including links to web sites which relate to said audiovisual media. Rather, Humpleman merely discloses displaying a title of a DVD being delivered by a DVD player. Consequently, under *In re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1, 11 and 21. Claims 4-6, 9-10, 14-16, 19-20, 24-26, 29-30, 32-33, 35-36 and 38-46 are believed allowable due to their dependence upon an allowable base claim.

CONCLUSION

In light of the foregoing amendments and remarks, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
Gateway, Inc.

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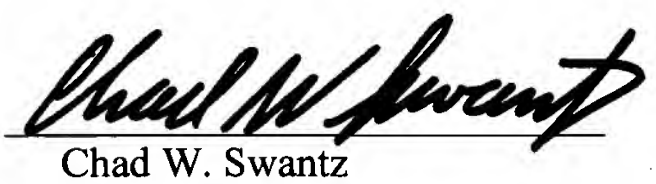
By: 
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